

SECTION 2.10 OFF-STREET PARKING AND LOADING REGULATIONS

A. GENERAL PROVISIONS

1. APPLICATION OF REGULATIONS

The off-street parking and loading provision of this Ordinance shall apply as follows:

- a. **BUILDINGS, STRUCTURES, USES HEREAFTER ESTABLISHED -- EXCEPTION PERMITS PREVIOUSLY ISSUED.**

For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading areas shall be provided in accordance with the regulations of this Section. However, where Improvement Location and Building Permits have been issued prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion (but said time period not to exceed two (2) years after the issuance of said Building Permit), parking and loading spaces in the amounts required for issuance of said permits may be provided in lieu of and different amounts required by the off-street parking and loading regulations of this Ordinance.

- b. **BUILDINGS, STRUCTURES, USES EXISTING OR HEREAFTER ESTABLISHED -- INCREASED INTENSITY OF USE.**

When the intensity of use of any legally established building, structure or premises (existing on the effective date of this Ordinance or hereafter established) is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking or loading spaces, parking spaces and loading spaces as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected, or use lawfully established, prior to the effective date of this Ordinance shall be required to provide such additional parking spaces or loading spaces, unless and until the aggregate increase in any unit of measurement specified herein for determining required parking spaces or loading areas causes an increase in the required number of parking spaces or loading areas that equals fifteen percent (15%) or more of the number of parking spaces or loading spaces existing on the effective date of this Ordinance, in which event parking spaces and loading spaces as required herein shall be provided for the total increase.

- c. **CHANGE OF USE**

Whenever the type of use of a building, structure or premises is hereafter changed to a new type of use permitted by this Ordinance, parking spaces and loading spaces shall be provided as required for such new type of use, subject to the exception noted in Section 2.10, A, 1, b.

2. EXISTING PARKING AREAS OR LOADING AREAS

Required accessory off-street parking areas or loading areas in existence on the effective date of this Ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such use as would be required for said use as a new use of a building, structure or premises under the provisions of this Ordinance.

3. NEW OR EXPANDED PARKING AREAS OR LOADING AREAS

Nothing in this Ordinance shall prevent the establishment of, or expansion of the amount of, parking areas or loading areas to serve any existing use of land or building, provided that all regulations herein governing the location, design, landscaping, construction and operation of such areas shall be adhered to.

4. DAMAGE OR DESTRUCTION

For any nonconforming uses and structures or buildings which are hereafter damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure or facilities affected, and which is reconstructed, off-street parking and loading spaces equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading spaces in excess of those required by this Ordinance for equivalent new use or construction.

5. CONTROL OF OFF-SITE PARKING AREAS

In cases where accessory parking areas are permitted on land other than the lot on which the building or use served is located, such areas shall be in the same control as the lot occupied by the building or use to which the parking areas are accessory.

6. SUBMISSION OF SITE PLAN

Any application for an Improvement Location Permit shall include a site plan -- drawn to scale and fully dimensioned complying with all requirements of the Improvement Location Permit Ordinance, 68-A0-11, as amended.

Said site plan shall further demonstrate compliance with all applicable standards of this Ordinance.

7. COMPUTATION

In determining the minimum required number of off-street parking spaces or loading spaces, when a computation of required parking spaces or loading spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces or loading spaces shall be rounded up to the next whole number.

B. OFF-STREET PARKING REGULATIONS

Off-street parking areas for motor vehicles shall be provided for all uses in the Industrial Districts in accordance with the following regulations, in addition to the requirements of Section 2.10, A.

1. COMMON OR COMBINED OFF-STREET ACCESSORY PARKING AREAS

Common or combined off-street accessory parking areas for separate uses may be provided to serve two or more primary buildings or uses, provided the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking areas, in relation to the use served are adhered to.

2. MINIMUM PARKING LOT AND PARKING SPACES DIMENSIONS

- a. The interior access drives, interior access driveways, drives, driveways, entrances, exits, aisles, bays and traffic circulation for parking lots shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York. The recommended specifications noted in Architectural Graphic Standards for access drives, interior access driveways, drives, driveways, entrances, aisles, bays and traffic circulation for parking lots are hereby incorporated into this Ordinance by reference and made a part hereof; except that minimum parking space (or stall) dimensions shall be provided as set forth below.

- b. Each off-street parking space shall have, regardless of angle of parking, a usable parking space dimension measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length.

Exception:

All parking spaces reserved for the use of physically handicapped persons shall have a usable parking space dimension measuring not less than thirteen (13) feet in width (measured perpendicularly from the side of the parking space) and not less than twenty (20) feet in length (see also Section 2.10, B, 10, Required Parking Spaces for the Disabled).

3. ACCESS TO AND FROM PARKING AREAS

- a. Each off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- b. All off-street parking areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access. Off-street parking areas shall be designed and located so that vehicles shall not back from or into a public street or adjoining property, unless the lot and the adjoining property are located within the same industrial park and such maneuverability areas are subject to a recorded easement agreement allowing such maneuverability.
- c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two intersecting street rights-of-way; and, 3) the design and location of frontage lanes and passing blisters, shall be submitted to, and written approval obtained from, the City of Indianapolis, Division of Permits or the traffic engineering department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of said Division/department.

4. USE OF PARKING AREAS

- a. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or material. The parking area shall not be used for the storage of any inoperable vehicles.
- b. Buildings or structures for guards, attendants or watchmen shall be permitted; however, any such structure shall not occupy a required off-street parking space(s) and shall comply with all setback requirements for parking areas.
- c. Loading spaces, as required in Section 2.10, shall not constitute a required off-street parking space; nor shall any off-street parking area be used as a loading space or area.

5. LOCATION AND SETBACK

- a. All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this Ordinance which are subsequently altered or enlarged so as to require the provision of additional parking spaces under the requirements of this Ordinance may be served by parking spaces located on land other than the lot on which the building or use served is located, provided such spaces are within five hundred (500) feet of a lot line of the use served. (See CONTROL OF OFF-SITE PARKING AREAS, Section 2.10, A, 5.)

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- b. Front yards: Off-street parking may be located in minimum required front yards of I-1-S, I-2-S, I-3-S and I-4-S Districts, provided the total parking area does not occupy more than ten percent (10%) of the total area of the minimum required front yard. In any Industrial District, off-street parking may be located in front of the building provided the parking area is located between the required front building setback line and the building.
- c. Side and Rear Yards: Off-street parking may be located in required side and rear yards.

6. SURFACE OF PARKING AREA

- a. Off-street parking areas may be open to the sky, covered, or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other building or structure and subject to all use and development standards requirements of the applicable Industrial District in addition to the requirements contained herein.
- b. All off-street parking areas, and the access to and from such areas, shall be hardsurfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified above.
- c. The parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into any minimum required landscaped yard or area or onto adjoining property.

7. LIGHTING OF PARKING AREA

- a. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
- b. In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
- c. Objectionable light on to adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
- d. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandle (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal footcandle specified in Architectural Graphics Standards for lighting levels for outdoor parking areas are hereby incorporated into this Ordinance by reference and made a part hereof.

8. LANDSCAPING

The ground area between the required off-street parking area setback and any lot line abutting a Protected District shall be screened and landscaped in accordance with the requirements of Section 2.11, E.

9. NUMBER OF PARKING SPACES REQUIRED

- a. All uses permitted in the I-1-S, I-2-S, I-3-S, and I-4-S Districts shall provide a minimum of one (1) parking space for each one and one-half (1 1/2) persons on the premises, computed on the basis of the greatest estimated

number of persons at any one period during the day or night.

- b. All uses permitted in the I-1-U, I-2-U, I-3-U, and I-4-U Districts shall provide a minimum of one (1) parking space for each two (2) persons on the premises, computed on the basis of the greatest estimated number of persons at any one period during the day or night.

10. REQUIRED PARKING SPACES FOR THE DISABLED

Every parking area available to the public shall have parking spaces reserved for the use of the physically handicapped persons, as defined in Section 2.13, according to the following schedule:

Total Required Number of Parking Spaces	Minimum Number Of Reserved Spaces
0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	Two percent (2%) of the total number of parking spaces.
1001 and over	Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1000).

C. OFF-STREET LOADING REGULATIONS

Off-street loading areas accessory to uses in the Industrial Districts shall be provided and maintained in accordance with the following regulations, in addition to the requirements of Section 2.10, A.

1. MINIMUM LOADING SPACE DIMENSIONS

- a. A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
- b. The interior access drives, interior access driveways, driveways, aisles, loading spaces and vehicular circulation and maneuvering for loading areas shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York. The recommended specifications noted in Architectural Graphic Standards for interior access drives, interior access driveways, driveways, aisles, loading spaces and vehicular circulation and maneuvering for loading areas are hereby incorporated into this Ordinance by reference and made a part hereof).

2. ACCESS TO AND FROM LOADING AREA

- a. Each required off-street loading space shall open directly upon a hardsurfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.
- b. All off-street loading areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize

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interference with traffic movement and to provide safe and efficient means of vehicular access..

- c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two intersecting street rights-of-way; and, 3) the design and location of frontage lanes and passing blisters, shall be submitted to, and written approval obtained from, the City of Indianapolis, Division of Permits or the traffic engineering department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of said Division/department.

3. LOCATION AND SETBACK

- a. All required loading spaces shall be located on the same lot as the use served, and shall be so designed and located that trucks shall not back from or into a public street, or onto adjoining property unless the lot and the adjoining property are located within the same industrial park and such maneuverability areas are subject to a recorded easement agreement allowing such maneuverability.
- b. No open loading area or loading space shall be located in a minimum required front yard, minimum required front transitional yard or the area between the front lot line and the front line of the primary building.
- c. No loading area or loading space shall be located in a required side or rear transitional yard.

4. SCREENING

All vehicle loading spaces on any lot abutting a Protected District or separated by a public right-of-way from a Protected District shall be enclosed within a building or screened and landscaped in addition to the Industrial District's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in Section 2.11, E.

5. USE OF LOADING AREA

Space allotted to off-street loading areas shall not be used to satisfy the off-street parking space requirements.

6. SURFACE OF LOADING AREA

- a. Off-street loading areas may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other structure and shall be subject to all use and development standards of the applicable Industrial District in addition the requirements contained herein.
- b. All loading areas shall be hardsurfaced to adequately provide a durable and dust-free surface except that:
 - (1) A gravel surface may be used for a temporary period not exceeding one (1) year after commencement of the use for which the loading area is provided, where ground and weather conditions are not immediately suitable for permanent surfacing as specified above.
 - (2) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

- c. The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto adjacent properties or public sidewalks.

7. LIGHTING OF LOADING AREA

When a loading area is illuminated, the lighting equipment shall be so located, shielded, and directed so that the lighting distribution is confined to the area to be lighted. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

8. REQUIRED LOADING SPACES

Off-street loading spaces shall be provided and maintained in accordance with the following minimum requirements for all Industrial Districts.

Gross Floor Area of Building (Square Feet)	Required Number of Loading Spaces
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1 - 40,000	1
40,001 - 100,000	2
100,001 - 200,000	3

For each additional 200,000 square feet of gross floor area or fraction thereof, one (1) additional loading space shall be provided.

SECTION 2.11 SPECIAL REGULATIONS

A. MINIMUM REQUIRED FRONT SETBACK LINES AND FRONT YARDS

Front setbacks, having a minimum depth in accordance with the following setback standards, shall be provided along all public and private street right-of-way lines, and the minimum required building setback lines shall be as follows:

1. **NO PART OF ANY BUILDING SHALL BE BUILT CLOSER TO THE PROPOSED RIGHT-OF-WAY LINES OF THE FOLLOWING STREETS THAN:**

Thirty (30) feet from the proposed right-of-way or one hundred (100) feet from the center line, whichever is greater.

Expressway, Freeway, Primary Arterial, Parkway, Secondary Arterial: (as designated on the Official Thoroughfare Plan for Marion County, Indiana)

Fifty (50) feet ("S" Districts)
Twenty (20) feet ("U" Districts)
from the proposed right-of-way.

Collector Street, Local Street, Marginal Access Street (including Marginal Access Streets with a coinciding right-of-way boundary immediately paralleling either a Federal Interstate Highway route or any thoroughfare), Cul-de-Sac or any private street.

Subject to the following:

- a. Any required front transitional yard shall have a minimum depth in accordance with the "Required Transitional Yards, Minimum Setback" as set forth in the applicable Industrial District.
 - b. The required front yard and setback shall be located outside of and adjacent to the proposed right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).
 - c. The uses of required front yards shall be those permitted in the provisions of the "Use of Required Yards" sections of the applicable Industrial Zoning District.
 - d. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
2. **NO PART OF ANY STRUCTURE, INCLUDING PARKING AREAS, PARKING SPACES, INTERIOR ACCESS DRIVES, AND INTERIOR ACCESS DRIVEWAYS, SHALL BE BUILT CLOSER THAN TWENTY (20) FEET TO THE RIGHT-OF-WAY LINE OF A FEDERAL INTERSTATE HIGHWAY ROUTE.**

B. INDUSTRIAL PARK - PLAN REQUIREMENTS FOR IMPROVEMENT LOCATION PERMIT ISSUANCE:

Prior to Improvement Location Permit issuance for any building or structure within an industrial park, three copies of a conceptual site plan and landscape plan for the entire industrial park shall be on file with the Department of Metropolitan Development.

C. STREET REQUIREMENTS:

1. CLEAR SIGHT TRIANGULAR AREA.

The following provisions shall apply to all streets, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following, (See Section 2.13, Diagram F):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or,
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

2. REQUIREMENTS FOR PUBLIC STREETS.

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of Capital Asset Management (DCAM), and improved and constructed in accordance with the standards required by the Indianapolis DCAM Standards for Street and Bridge Design and Construction, or as approved by the Director of the DCAM.
- b. The right-of-way of any streets within an industrial park which is indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3. REQUIREMENTS FOR PRIVATE STREETS, DRIVEWAYS, INTERIOR ACCESS DRIVEWAYS AND INTERIOR ACCESS DRIVES:

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials or use in construction, and design as specified by the "Standard Specifications", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Transportation (IDOT) Standards for Street and Bridge Design and Construction. In the event DCAM specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the IDOT are incorporated into this Ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development.

Provided, however, that the standard specifications incorporated into this Ordinance shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking.....twelve (12) feet
One-way, parallel parking on one side of
the street only.....twenty (20) feet
Two-way, no parking.....twenty (20) feet

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Two-way, parallel parking on one side of
the street only.....twenty-seven (27) feet
Two-way, parallel parking on both sides
of the street.....thirty-six (36) feet

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
- d. Private streets, interior access drives and interior access driveways within any Industrial Zoning District may be used to provide ingress and egress to any other Industrial Zoning District and to any other zoning district having a less intense use, which would include all Protected Districts and all Commercial Districts.

D. REQUIREMENTS FOR: TEMPORARY USE STRUCTURES OR BUILDINGS; RECYCLING CONTAINERS OR NEIGHBORHOOD COLLECTION POINTS:

1. TEMPORARY USE STRUCTURES OR BUILDINGS:

Temporary use structures shall be permitted in all Industrial Districts, under a temporary Improvement Location Permit issued by the Administrator subject to the temporary use requirements specified below:

- a. Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.

Exception: temporary construction trailers may be permitted within required front, side or rear yards, provided they do not encroach into any clear sight triangular areas.

- b. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- c. A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred-eighty (180) days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
- d. All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.

2. REQUIREMENTS FOR RECYCLING CONTAINERS OR NEIGHBORHOOD RECYCLING COLLECTION POINTS.

- a. Requirements For Neighborhood Recycling Collection Points.

Neighborhood recycling collection points shall be permitted in any Industrial District.

Household waste products permitted for collection at neighborhood recycling collection points, as defined in Section 2.13, shall include the following:

- | | |
|------------------|----------------------|
| - aluminum can | - tin and metal cans |
| - plastics | - glass containers |
| - paper products | |

In addition to the materials listed above, other household scrap made of aluminum, brass, copper, or steel may also be collected at these facilities. However, all materials collected for delivery to the recycling facility shall be in amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters of a ton in the I-1 and I-2 Industrial Districts. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a recycling station (as defined in Section 2.13). This restriction is intended to protect the community character of the I-1 and I-2 Industrial Districts.

In the I-1 and I-2 Districts, those collection points that utilize a trailer as its primary structure shall be limited to one trailer per site. The collection point shall be manned during all hours of operation. In addition to these requirements, the requirements for recycling containers (as specified in 2.11, D, 2, b below) shall also apply.

b. Requirements for Recycling Containers

Recycling containers shall be permitted in any Industrial District. Recycling containers, as defined in Section 2.13, shall be subject to the following requirements:

- (1) The use or structure shall not be located within any required yard or required transitional yard or within any street right-of-way and shall meet the minimum setback requirements of the district.
- (2) When the structure is located the parking area of the primary use, the structure shall be located completely within a striped, off-street parking space(s) on the site and shall not be within a drive or maneuvering area.
- (3) A minimum of three (3) off-street parking spaces shall be provided on site. These off-street parking spaces are in addition to the required parking provided for the primary use. A suitable maneuvering area for access and turning shall also be provided as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York.
- (4) All recyclable materials shall be stored within a recycling container and the surrounding lot areas shall be: i. maintained free of litter and debris; and, ii. cleaned/inspected on a daily basis.
- (5) The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name, address, and telephone number of the operator and the hours of operation, and shall display a notice state that no material shall be left outside the recycling containers.
- (6) The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
- (7) The recycling container shall not be located within one hundred (100) feet, measured in any direction, of a Dwelling District. The measurement shall be taken from the exterior of the container to the zoning boundary of the Dwelling district except when such container is separated from said Dwelling District by an intervening street (see Section 2.13, Diagram H)
- (8) Recycling containers shall be prohibited on lots of less than ten thousand (10,000) square feet in area.

E. LANDSCAPING, SCREENING AND GROUNDS MAINTENANCE

Subject to the allowed uses in required yards, landscaping, screening and grounds maintenance shall be provided and maintained, for all development in all Industrial Districts in accordance with the following regulations:

1. LANDSCAPING AND SCREENING IN REQUIRED YARDS

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as, trees and shrubs as specified in Section 2.11, E, 1, b, and c, and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty percent (20%) of the area of the required yard in which it is used.
- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:
 - (1) Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives:
 - i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.13, Diagram G); or,
 - ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed fifty (50) feet. (Refer to Section 2.13, Diagram G)

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.
 - (2) Screening in the required front yard of the project may include:
 - i. Wall or fence - an ornamental, decorative fence or masonry wall, up to a maximum height of ten (10) feet, may be used in conjunction with the required landscaping; or,
 - ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired); or,
 - iii. Plant Material Screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, extended, and the street, there shall be provided and maintained at the front line of the parking area, a screen of a minimum height of thirty-six (36) inches along a minimum of seventy-five percent (75%) of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

- c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:
- (1) Landscaping in the required side and rear yards shall consist of trees planted in accordance with one of the two following alternatives:
 - i. If deciduous shade (overstory) trees are used:

There shall be one (1) free planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.13, Diagram G or,
 - ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed fifty (50) feet. (Refer to Section 2.13, Diagram G)

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.
 - (2) Screening in the required side and rear yard of the project may include:
 - i. Wall or fence - an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping; or,
 - ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation; or,
 - iii. Plant Material Screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

(Section 2.11 Special Regulations)

- d. All landscape plantings, architectural screens (fences, walls), shrubs, trees, structures or other objects shall permit completely unobstructed vision within a clear sight triangular area as noted in Section 2.11, C.
- e. No architectural screen fronting upon or abutting a Protected District shall be electrified with the intent of providing for an electrical shock if touched.
- f. Barbed wire, razor wire and similar type wires shall not be permitted within the front yard setback, or in front of any existing building in the I-1, I-2, or I-3 (Urban or Suburban) Industrial Districts.
- g. The minimum size of all required landscape plant materials, at the time of planting including substituting or replacement trees and shrubs shall be as follows:
 - (1) Deciduous shade (overstory) trees - two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
 - (2) Deciduous ornamental (understory) trees - one and one-half (1 1/2) inch caliper at six (6) inches above the ground.
 - (3) Multi-stemmed trees - eight (8) feet in height.
 - (4) Evergreen trees - five to six (5-6) feet in height.
 - (5) Deciduous or evergreen shrubs - twenty-four (24) inches in height, Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.
- h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standard for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986 by the American National Standards Institute, Inc. The standards contained in American Standard for Nursery Stock are hereby incorporated into this Ordinance by reference and made a part hereof. All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
- i. In computing the number of trees to be planted in a required yard or a required transitional yard, a fraction of one-half (1/2) or greater shall be rounded up to count as an additional tree.
- j. Existing trees may fulfill the requirements for tree planting in required yards or required transitional yards as long as the standards specified for required yards (Section 2.11, E, 1, b or c) or required transitional yards (Section 2.11, E, 2, b or c) are met.
- k. The removal from any minimum required yard or any minimum required transitional yard of any existing live deciduous tree over four (4) inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to provide for necessary easements or drainage improvements. Removal of said tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.

1. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the drip line, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the drip line of the tree.

2. LANDSCAPING AND SCREENING OF REQUIRED TRANSITIONAL YARDS

Landscaping and screening of yards fronting upon or abutting a Protected District shall be provided and maintained, for all development in all Industrial Districts in accordance with the following regulations in addition to Section 2.11, E, 1, d-k.

- a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees, shrubs, hedges, and grasses or ground cover as specified in Section 2.11, E, 2, b and c, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty percent (20%) of the area of the required yard in which it is used.
- b. Landscaping and screening of required front transitional yards shall be provided and maintained according to the following minimum standards:

- (1) Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See Section 2.11, E, 1, b, (1).
- (2) Screening in front transitional yards shall be provided in an open pattern to partially screen the Industrial use.

Provided, however, for any parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area, a buffer screen of a minimum of one of the following:

- i. Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be a maximum of forty two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough: or,
 - ii. Berm - an earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired).
- Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.
- iii. Plant Material Screen - a compact hedge of evergreen or densely twigged deciduous shrubs. Such shrubs shall attain a minimum height of thirty-six (36) inches at maturity: and,

The ground area between such wall, fence, berm, or hedge and the front right-of-way line shall be planted and maintained in grass or other suitable ground cover. A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or hedge.

(Section 2.11 Special Regulations)

- c. Required side and rear transitional yards shall be landscaped and have an effective screening of the Industrial use.

- (1) Landscaping and screening required side and rear transitional yards using a solid wall or fence shall be provided and maintained according to the following minimum standards:

Landscaping standards for required side or rear transitional yards using a solid wall or fence:

- i. Trees shall be planted along all side and rear transitional yards according to the standards specified for tree planting in front required yards. See Section 2.11, E, 2, b, (1).
- ii. The finished side of the fence shall face the Protected District. Said fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.
- iii. A berm may be used in place of a solid fence or wall so long as the berm is a minimum of six (6) feet in height to a maximum of ten (10) feet, has a minimum crown width of two (2) feet, a side slope no greater than three to one (3:1), and shall be planted and covered in live vegetation.

Exception: The earthen berm may be combined with shrubs to attain the minimum height of six (6) feet.

- (2) Landscaping and screening in the required side and rear transitional yards, if a solid wall or solid fence is not used, shall be provided and maintained according to one of the following minimum standards:

- i. A combination of trees and shrubs:

- (a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see Section 2.11, E, 2, b); and,
- (b) Shrubs - shrubs shall be planted so that one hundred percent (100%) of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard.

The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs: or,

- ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or,
- iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or,
- iv. A combination of i, ii, or iii to be maintained so that one-hundred percent (100%) of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen Industrial uses. However, required transitional yards must be supplemented where sparsely vegetated to maintain a dense visual barrier to a height of six (6) feet.

- (3) Landscaping and screening in the required side and rear transitional yards may be achieved by combining elements from (1) and (2) of this subsection, so long as the minimum standards set forth for that element utilized is satisfied.

3. TRANSITIONAL YARD REDUCTION - LANDSCAPE PERFORMANCE STANDARDS EXCEPTIONS

In order to provide flexibility and encourage enhanced landscaping adjacent to Protected Districts, the following set of landscape performance standards may be utilized to reduce the required front, side and rear transitional yards in the Industrial Districts.

By providing landscaping in addition to the standard requirement, required transitional yards may be reduced according to the following schedule:

**TABLE A
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED SIDE AND REAR TRANSITIONAL YARDS
IN THE SUBURBAN ("S") DISTRICTS**

	District I-1-S	I-2-S	I-3-S	I-4-S
Landscape Type	Required Transitional Yards (in feet)			
Type A	50	50	100	150
Type B	35	35	70	100
Type C	20	20	40	50

**TABLE B
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED FRONT TRANSITIONAL YARDS
IN THE SUBURBAN ("S") DISTRICTS**

	District I-1-S	I-2-S	I-3-S	I-4-S
Landscape Type	Required Transitional Yards (in feet)			
Type A	100	100	150	200
Type B	70	70	100	150
Type C	40	40	50	100

**TABLE C
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED SIDE AND REAR TRANSITIONAL YARDS
IN THE URBAN ("U") DISTRICTS**

	District I-1-U	I-2-U	I-3-U	I-4-U
Landscape Type	Required Transitional Yards (in feet)			
Type A	30	30	40	50
Type B	15	15	20	20

TABLE D
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED FRONT TRANSITIONAL YARDS
IN THE URBAN ("U") DISTRICTS

District	I-1-U	I-2-U	I-3-U	I-4-U
Landscape Type	Required Transitional Yards (in feet)			
Type A	30	30	40	50
Type B	15	15	20	20

Applicable Landscape standards by Type:

Landscape Type A - The standard ordinance requirement for landscaping in the applicable transitional yard (as noted in Section 2.11, E, 2)

Landscape Type B - The standard ordinance requirement for landscaping in the applicable transitional yards (as noted in Section 2.11, E, 2) except that two (2) times the number of trees normally required shall be provided.

Landscape Type C - The standard ordinance requirement for landscaping in the applicable transitional yards (as noted in Section 2.11, E, 2) except that three (3) times the number of trees normally required shall be provided.

The required transitional yards may be reduced according to Tables A through D if the applicable landscape type noted above is provided.

*EDITORIAL NOTE: Below are examples of transitional yard reduction:

A site which is 600 feet by 600 feet or 360,000 square feet:
In the I-4-S District, 270,000 square feet would be required for transitional yards if the site was surrounded by Protected Districts, using "Type A" landscaping.

Under "Type B" landscaping, 180,000 square feet would be required for transitional yards - or about a 33% reduction from the standard. Land "added" for development would equal 90,000 square feet or over two acres.

Under "Type C" landscaping, only 90,000 square feet would be required for transitional yards - or about a 67% reduction from the standard. Land "added" for development would equal 180,000 square feet, or over four acres. (End of EDITORIAL NOTE)

The Administrator shall review the reduction of required transitional yards prior to issuing an Improvement Location Permit in order to ensure that the additional landscaping provided meets the applicable standards noted in this section. If the applicable standards are met, the landscape plan shall be stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit. The reduction in required transitional yards, once approved by the Administrator, shall not require a variance of development standards.

4. LANDSCAPE PLAN REQUIREMENTS:

A landscape plan shall:

- a. be drawn on a copy of the site plan (or a simplified scale drawing thereof) and show exact locations and outline of all rights-of-way (both existing and proposed by the official Thoroughfare Plan for Marion County), structures, buildings, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, transitional yards, adjacent property zones, and all underground and overhead lines within areas to be landscaped (with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided);
- b. show dimensioned detailed elevation or section drawings of walls and fences;
- c. show all existing elevations and proposed land contour lines having at least two (2) foot intervals;
- d. show location and nature of existing and proposed drainage systems and their flow;
- e. include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four (4) inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height.
- f. include the exact location of any existing tree two and one-half (2 1/2) inch caliper or greater at four and one half (4 1/2) feet above the ground which will be counted as a required tree. Said trees, shrubs and evergreen shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted.
- g. show all proposed planting by labeling the species, size, and spacing (on center).

5. GROUNDS MAINTENANCE:

The Project owner or management shall:

- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
- b. Replace any required planting(s), which are removed or die after the date of planting per the previously approved plans on file. Such replacement shall occur during the next planting season.

6. ADMINISTRATOR APPROVAL OF ALTERNATE PLANS

The Administrator, upon request by the applicant, shall have the power to modify any landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surrounding and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative landscape plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

F. APPEAL

In all section of this ordinance where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

G. APPLICATION OF SECTION 2.11

Section 2.11 shall be applicable to all Industrial Districts.

SECTION 2.12 SPECIAL EXCEPTION PROVISIONS

STATEMENT OF PURPOSE:

Because of the exceptional land use characteristics and locational impacts of certain industrial uses which, if inappropriately located within Industrial Zoning Districts, may have a negative effect upon other land uses and values within the County, it is recognized that the further classification and regulation of such uses is essential in order to preserve property values, as well as to promote the public health, safety, comfort, morals, convenience and general welfare within Marion County.

A. USES PERMITTED BY SPECIAL EXCEPTION

In addition to those uses noted specifically in Section 2.01, the following uses shall be permitted only upon the grant of a Special Exception by the Board of Zoning Appeals:

1. CLASSIFIED INDUSTRIAL USES - MAY BE PERMITTED IN A MORE RESTRICTIVE INDUSTRIAL DISTRICT BY SPECIAL EXCEPTION

Any industrial use specified as a permitted use in an I-3 or I-4 "U" or "S" Districts may be permitted in any more restrictive Industrial District (I-1 or I-2 Districts), by SPECIAL EXCEPTION (granted by the Metropolitan Board of Zoning Appeals in accordance with Section 2.12) and will be subject to additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of Section 2.12, C, provided:

- a. The petitioner shall present adequate evidence that the proposed use will conform to all development and performance standards of such higher Industrial District.
- b. All developmental standards and uses shall conform to the requirements of the higher Industrial Zoning District and all conditions and restrictions attached to the grant of Special Exception by said Board.

2. INDUSTRIAL PARKS MAY BE PERMITTED IN ANY INDUSTRIAL DISTRICT BY SPECIAL EXCEPTION

An industrial park shall be permitted in any Industrial District by SPECIAL EXCEPTION (granted by the Metropolitan Board of Zoning Appeals in accordance with Section 2.12, C).

An industrial park, as defined in Section 2.13, shall be developed according to a master plan which provides serviced sites for uses permitted in the applicable Industrial Zoning District - including manufacturing, processing, assembly plants, distribution, wholesalers, warehouses or related industrial uses and accessory facilities therefore; and commercial, professional and public and semi-public uses as provided for in this Section.

3. COMMERCIAL SALES AND SERVICES, PROFESSIONAL, PUBLIC AND SEMI-PUBLIC USES MAY BE PERMITTED IN ANY INDUSTRIAL DISTRICT BY SPECIAL EXCEPTION

Commercial sales and services, offices, retail, wholesale, and discount establishments, professional and public or semi-public uses shall be permitted in any Industrial District by SPECIAL EXCEPTION, (granted by the Metropolitan Board of Zoning Appeals in accordance with Section 2.12, C) and subject to any additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of Section 2.12, B, 1.

4. STORAGE, UTILIZATION, OR MANUFACTURE OF EXPLOSIVES MAY BE PERMITTED IN ANY INDUSTRIAL DISTRICT BY SPECIAL EXCEPTION

The storage, utilization, or manufacture of materials intended for detonation (explosives) shall be permitted in any Industrial District by SPECIAL EXCEPTION only, (granted by the Metropolitan Board of Zoning Appeals in accordance with Section 2.12, C), provided all development standards and performance standards of such District shall be met, as well as the additional standards of Section 2.14, B, 2.

(Section 2.12 Special Exception Provisions)

B. SPECIAL REGULATIONS FOR USES PERMITTED BY SPECIAL EXCEPTION

In whatever Industrial Zoning District within Marion County the uses designated in Section 2.12, A. are included as permitted uses, such uses shall be subject to the following special regulations. These special regulations shall be in addition to the applicable district's standards and requirements and, in case of any conflict, the more stringent regulations shall prevail:

1. COMMERCIAL SALES AND SERVICES, PROFESSIONAL, PUBLIC AND SEMI-PUBLIC USES:

Adequate off-street parking shall be provided for non-industrial uses in accordance with applicable off-street parking standards required for the proposed use as required in the Commercial Zoning Ordinance.

2. STORAGE, UTILIZATION, MANUFACTURE OF EXPLOSIVES.

Explosives shall not be stored, utilized, or manufactured within any building which is five hundred (500) feet or less from a Protected or Commercial District boundary, measured from the building in which the use is to be housed.

3. INDUSTRIAL PARKS

a. GENERAL PURPOSE:

An industrial park shall be so designed so as:

- (1) to assure that all special treatment and handling of street patterns, and arrangements of grouping of buildings, off-street parking and loading, accessory uses, etc., shall result in a superior land development scheme which accomplishes the objectives and carries out the intent of the applicable comprehensive plan and zoning ordinances;
- (2) to create and maintain desirable, efficient and economical use of land with high aesthetic value, attractiveness and compatibility of land use;
- (3) to permit reasonable deviation from standard zoning district requirements where necessary due to special size or shape of site(s) or character of condition of topography and terrain or other special conditions;
- (4) to permit adequate private interior access roads to serve a variety of industrial sites and uses within the Industrial Park;
- (5) to provide sufficient and adequate access, parking and loading areas for all uses and structures within the Industrial Park;
- (6) to provide adequate traffic control and street plan integration with existing and planned streets;
- (7) to provide adequate sanitation, drainage and public utilities servicing the Industrial Park; and
- (8) to allocate adequate land for all uses proposed, the site design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

b. EXCEPTIONS

In order to allow flexibility in the development of an industrial park, certain exceptions to development standards of the applicable Industrial District may be authorized by grant of Special Exception for an Industrial Park including, but not limited to:

(Section 2.12 Special Exception Provisions)

(1) FRONT SETBACK AND FRONTAGE ON PUBLIC STREET

Sites for uses within the Industrial Park may front upon and be serviced by private interior access roads, provided:

- i. Each such site shall have front yard and setback (from the interior access road) of adequate depth in relation to building height, width and area.
- ii. A front yard and setback in accordance with the Industrial Zoning District's standard requirements shall be provided along all public streets abutting the periphery of the Industrial Park.

(2) REQUIRED SIDE YARDS

The total of the required side yards and setbacks may be provided entirely on one side or divided in any proportion between the two sides of the site.

(3) BUILDING SEPARATION - SETBACK BETWEEN SIDE OF BUILDINGS

The sides of any two buildings shall be separated by a minimum of twenty (20) feet unless they abut one another.

(4) DECELERATION LANE

No deceleration lane shall be required within the Industrial Park provided the street or private interior access roads are of sufficient width and number of lanes that continuous movement of through traffic is not impeded.

C. GRANT OF SPECIAL EXCEPTION

The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant SPECIAL EXCEPTIONS to the Industrial District's standard terms, regulations and requirements, as specified in this Ordinance, and issue SPECIAL EXCEPTIONS to permit uses designated in Section 2.12, A, subject to the following requirements:

1. A petition for Special Exception to permit any use designated in Section 2.12, A, shall be filed with the Board of Zoning Appeals in accordance with the Board's Rules of Procedure.

In addition to the site plan and area map filing requirements of the Board's Rules of Procedure or Special Exception petition forms, the petitioner shall file with the Special Exception petition:

a. A SITE PLAN, DRAWN TO SCALE, NOTING:

- (1) Primary building(s) and accessory building(s);
- (2) Off-street parking layouts;
- (3) Vehicular entrances, exits, and turn-off lanes;
- (4) Setbacks
- (5) Landscaping and screening (including walls and fences);
- (6) Storm drainage and sewage disposal facilities;
- (7) Other utilities, if located above ground.

b. BUILDING ELEVATIONS

c. EXCEPTIONS, EXHIBITS

In the case of a petition for an industrial park, provide notation, either on the site plan or by written reference, of any exceptions or deviations from the standard regulations and requirements of the Industrial Zoning District or Districts comprising an Industrial Park.

(Section 2.12 Special Exception Provisions)

The petition, or evidence presented to the Board at the public hearing, may include any additional pertinent exhibits, such as photographs depicting the subject site or other land uses and properties in the subject area; neighborhood or community economic, social, land use or environmental impact statements; or other relevant evidence.

2. FINDINGS OF FACT

A Special Exception shall be granted following public hearing of the petition and upon the Board's determination that:

- a. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE.
- b. THE GRANT WILL NOT INJURE OR ADVERSELY AFFECT THE ADJACENT AREA OR PROPERTY VALUES THEREIN.
- c. THE GRANT WILL BE IN HARMONY WITH THE CHARACTER OF THE DISTRICT AND LAND USES AUTHORIZED THEREIN.

The following additional findings of fact shall also be met, in addition to a., b., and c., above:

Commercial Sales and Services, Professional, public and semipublic uses.

- d. THE PROPOSED USE IS PROVIDED PRIMARILY FOR SERVICE TO INDUSTRIAL USES WITHIN THE INDUSTRIAL DISTRICT AND TO EMPLOYEES, GUESTS AND VISITORS TO SUCH INDUSTRIAL USES.

Storage, utilization, manufacture of explosives.

- e. THE PETITIONER SHALL PRESENT ADEQUATE EVIDENCE THAT THE PROPOSED STORAGE, UTILIZATION OR MANUFACTURE OF EXPLOSIVE MATERIALS SHALL NOT ENDANGER LIFE OR PROPERTY OUTSIDE ANY PROPERTY LINE OF THE PROPOSED USE. (Such evidence and petitioner's site plan shall show all measures taken to provide a safe development).
- f. IN NO CASE SHALL ANY EXPLOSIVES BE STORED, UTILIZED, OR MANUFACTURED WITHIN ANY BUILDING WHICH IS FIVE HUNDRED (500) FEET OR LESS FROM A PROTECTED OR COMMERCIAL DISTRICT BOUNDARY, MEASURED FROM THE BUILDING IN WHICH THE USE IS TO BE HOUSED.

3. THE GRANT OF A SPECIAL EXCEPTION SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

- a. The proposed use shall conform to all performance standards of the applicable Industrial District; and,
- b. The proposed use shall conform to all development standards of the applicable Industrial District, except as specifically modified by the grant of Special Exception; and,
- c. The proposed use shall conform to all other applicable requirements of this Ordinance and all restrictions and conditions attached to the grant of Special Exception by said Board. All restrictions, conditions, or site plan requirements attached to the grant of any Special Exception by the Metropolitan Board of Zoning Appeals shall be limited by Section 2.12, C, 2 and shall be imposed by said Board to ensure compliance with said standards. Such restrictions, conditions or site plan requirements shall become a part of and incorporated in the grant of the Special Exception by the Board of Zoning Appeals.

SECTION 2.13 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

The language of this Ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary.
The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. DEFINITIONS

The words in the text or illustrations of this Ordinance shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

1. **ABUT** To physically touch or border upon; or to share a common property line.
2. **ACCESS** The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.
3. **ACCESS DRIVE** That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property. (See Diagram B)
4. **ACCESSORY** A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.
5. **ADMINISTRATOR** Administrator of the Neighborhood and Development Services Division or such Division having jurisdiction, or their appointed representative.

(Section 2.13 Definitions)

6. **ALLEY** Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
7. **ALTERATION** Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.
8. **AWNING** A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.
9. **BATCHING PLANT** A facility which manufactures or prepares bituminous paving materials, aggregate concrete or bulk cement.
10. **BUILDABLE AREA** The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met. (See Diagram C).
11. **BUILDING** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
12. **BUILDING AREA** The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above. (See Diagram C).
13. **BULK STORAGE** The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.
14. **CANOPY** A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part, from the ground providing shelter over, for example, a doorway, outside walk or parking area.
15. **COLLECTOR STREET** See Street, Collector.
16. **COMMISSION** The Metropolitan Development Commission of Marion County, Indiana.
17. **COMMITMENT** An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
18. **COMPREHENSIVE PLAN** The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana pursuant to IC-36-7-4.

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19. **CONDITION** An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or Secretary of the Board of Zoning Appeals.
20. **CORNER LOT** See Lot, Corner.
21. **COVENANT** A legal agreement concerning the use of land.
22. **CROWN OF THE STREET** The highest point, most often at the center line, of a street cross-section of the street pavement between the existing curb lines.
23. **CUL-DE-SAC** See Street, Cul-de-Sac.
24. **CURB CUT** The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street. (See Diagram B).
25. **CURB LINE** A line located on either edge of the pavement, but within the right-of-way line. (See Diagram B).
26. **DRIP LINE** The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.
27. **DRIVEWAY** Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line. (See Diagram B).
28. **ERECT** Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
29. **EXCAVATION** The breaking of ground, except common household gardening, ground care and agricultural activity.
30. **FLOOR AREA, GROSS** The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two abutting buildings.
31. **FRONT LOT LINE** See Lot Line, Front.
32. **FRONT YARD** See Yard, Front.
33. **FRONTAGE** The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.
34. **FRONTAGE, PUBLIC STREET** The line of contact of a property along the front lot line between the public street and the abutting property which allows unobstructed direct access to the property.
35. **GRADE, ESTABLISHED STREET** The crown elevation of a street pavement level abutting a property, (as fixed by the Department of Capital Asset Management).
36. **GRADE LEVEL (Adjacent ground elevation)** The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.

(Section 2.13 Definitions)

37. **GROSS ACRE** A horizontal measure of land area equal to 43,560 square feet.
38. **GROSS FLOOR AREA** See Floor Area, Gross.
39. **GROSS FLOOR AREA, TOTAL** The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the center lines of walls separating two abutting buildings.
40. **GROUND COVER** Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as, grasses, vines, flowers, and the like.
41. **HANDICAP RAMP** See Pedestrian Ramp.
42. **HARDSURFACED** Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
43. **HEDGE** A row or rows of closely planted shrubs, bushes, etc. creating a vegetative barrier.
44. **HEIGHT, BUILDING** The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitch-ed or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
- a. the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade;
 - b. an elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
45. **HELIPORT** An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as, parking areas, waiting rooms, fueling, storage and maintenance equipment areas.
46. **HELISTOP** An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.
47. **INDUSTRIAL PARK** See "Integrated Center".
48. **INTEGRATED CENTER** An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one or more lots, comprised of:
- a. a number of individual, unrelated and separately operated uses in one building sharing common site facilities; or,
 - b. one or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one or a combination of common site facilities, such as driveway entrances, parking areas,

(Section 2.13 Definitions)

- driving lanes, signs, maintenance and similar common services; or,
- c. one or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.
49. **INTERIOR ACCESS DRIVE** A minor, private street providing access within the boundaries of a project beginning at the required setback line. (See Diagram B).
50. **INTERIOR ACCESS DRIVEWAY** Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels. (See Diagram B).
51. **LABORATORY, RESEARCH** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.
52. **LANDSCAPING** Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage control and wind protection.
53. **LEGALLY ESTABLISHED NONCONFORMING BUILDING OR STRUCTURE** Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.
54. **LEGALLY ESTABLISHED NONCONFORMING USE** Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.
55. **LOADING AREA** A hard-surfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.
56. **LOADING SPACE** A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.
57. **LOCAL STREET** See Street, Local.
58. **LOT** A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control.
- A lot may or may not coincide with a lot of record and may consist of:
- a. a single lot of record;
- b. a portion of a lot of record; or

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- c. a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- a. the person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- b. a contract vendee;
- c. a long-term lessee (but only if the lease is recorded among the records of the County Recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (See Diagram D).

- 59. **LOT AREA** The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.
- 60. **LOT, CORNER** A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Diagram D).
- 61. **LOT, THROUGH** A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. (See Diagram D).
- 62. **LOT LINE** The legal boundary of a lot as recorded in the office of the Marion County Recorder.
- 63. **LOT LINE, FRONT** The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator. (See Diagram C).
- 64. **LOT LINE, REAR** A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line. (See Diagram C).
- 65. **LOT LINE, SIDE** Any lot line not designated as a front or rear lot line. (See Diagram C).
- 66. **LOT OF RECORD** A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana.
- 67. **MANUFACTURE/
MANUFACTURING** Establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

68. **MARGINAL ACCESS STREET** See Street, Marginal Access.
69. **MINI-WAREHOUSES** A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.
70. **MOTOR TRUCK TERMINAL** A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.
71. **MULCH** A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.
72. **NEIGHBORHOOD RECYCLING COLLECTION POINT** A site where collectors bring household recycling materials. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to recycling stations or recycling facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos", reverse vending machines, trailers, or similar structures.
73. **OFF-STREET** A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.
74. **OUTDOOR STORAGE** See Storage, Outdoor.
75. **PARKING AREA** An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram B).
76. **PARKING SPACE** An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle. (See Diagram B).
77. **PAVEMENT** A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.
78. **PEDESTRIAN RAMP** An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.
79. **PERMITTED USE** Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

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80. **PHYSICALLY HANDICAPPED** An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.
81. **PLAT** An officially recorded map, as recorded in the office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
82. **PRIMARY BUILDING** The building in which the permitted primary use of the lot is conducted.
83. **PROCESSING** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.
84. **PROJECT** A lot or parcel of contiguous land to be developed for a use or uses which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.
85. **PROJECT BOUNDARIES** The perimeter lot lines encompassing an entire project.
86. **PROPOSED RIGHT-OF-WAY** See Right-of-Way, Proposed.
87. **PROTECTED DISTRICT** Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this Ordinance, a protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District or SU-2 (School) District.
88. **PUBLIC STREET FRONTAGE** See Frontage, Public Street.
89. **REAR YARD** See Yard, Rear.
90. **RECREATION FACILITY** A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.
91. **RECYCLING CONTAINER** Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.
92. **RECYCLING FACILITY** A recycling operation, the process by which waste products of any type are reduced to raw materials and may further be transformed into new and often different materials.
93. **RECYCLING STATION** A recycling operation involving further processing of household recycling materials (relative to a neighborhood recycling collection point) to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. A recycling station does not include automotive or construction recycling.

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94. **RESEARCH LABORATORY** See Laboratory, Research.
95. **RETAIL TRADE** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.
96. **REQUIRED YARD** See Yard, Required.
97. **RIGHT-OF-WAY** Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
98. **RIGHT-OF-WAY, PROPOSED** Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.
99. **RIGHT-OF-WAY, PUBLIC** Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
100. **RIGHT-OF-WAY, PRIVATE** Specific and particularly described strip of privately-held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
101. **ROOF LINE** The uppermost edge of the water-carrying surface of a building or structure.
102. **SCREENING** A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.
103. **SETBACK** The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B).
104. **SETBACK LINE** A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B).
105. **SHRUB** A woody plant of relatively low height (not exceeding ten to twelve (10-12) feet in height), branching from the base.

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106. **SIDE YARD** See Yard, Side.
107. **SIDEWALK** A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.
108. **SIGN** Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
109. **SITE PLAN** The development plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, dimensions.
110. **STORAGE, OUTDOOR** An outdoor area used for the long term deposit (more than twenty-four hours) of any goods, material, merchandise, vehicles or junk.
111. **STORAGE AREA** An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.
112. **STREET, COLLECTOR** A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets and arterials while allowing direct access to abutting property(ies). (See Diagram E).
113. **STREET, CUL-DE-SAC** A street having only one open end which is permanently terminated by a vehicle turn around. (See Diagram E).
114. **STREET, EXPRESSWAY** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
115. **STREET, FREEWAY** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
116. **STREET, LOCAL** A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram E).
117. **STREET, MARGINAL ACCESS** A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies). (See Diagram E).
118. **STREET, PARKWAY** A street serving through vehicular traffic and equal to or more than 5280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and the Thoroughfare Plan.
119. **STREET, PRIMARY ARTERIAL** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

120. **STREET, PRIVATE** A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.
121. **STREET, PUBLIC** A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
122. **STREET, SECONDARY ARTERIAL** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
123. **STRUCTURE** A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
124. **SUBDIVISION** The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.
125. **TEMPORARY USE** An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.
126. **THOROUGHFARE** A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.
127. **THOROUGHFARE PLAN** The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
128. **THROUGH LOT** See Lot, Through.
129. **TOTAL GROSS FLOOR AREA** See Gross Floor Area, Total.
130. **TRANSITIONAL YARD** See Yard, Transitional.
131. **TRASH CONTAINER** Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

(Section 2.13 Definitions)

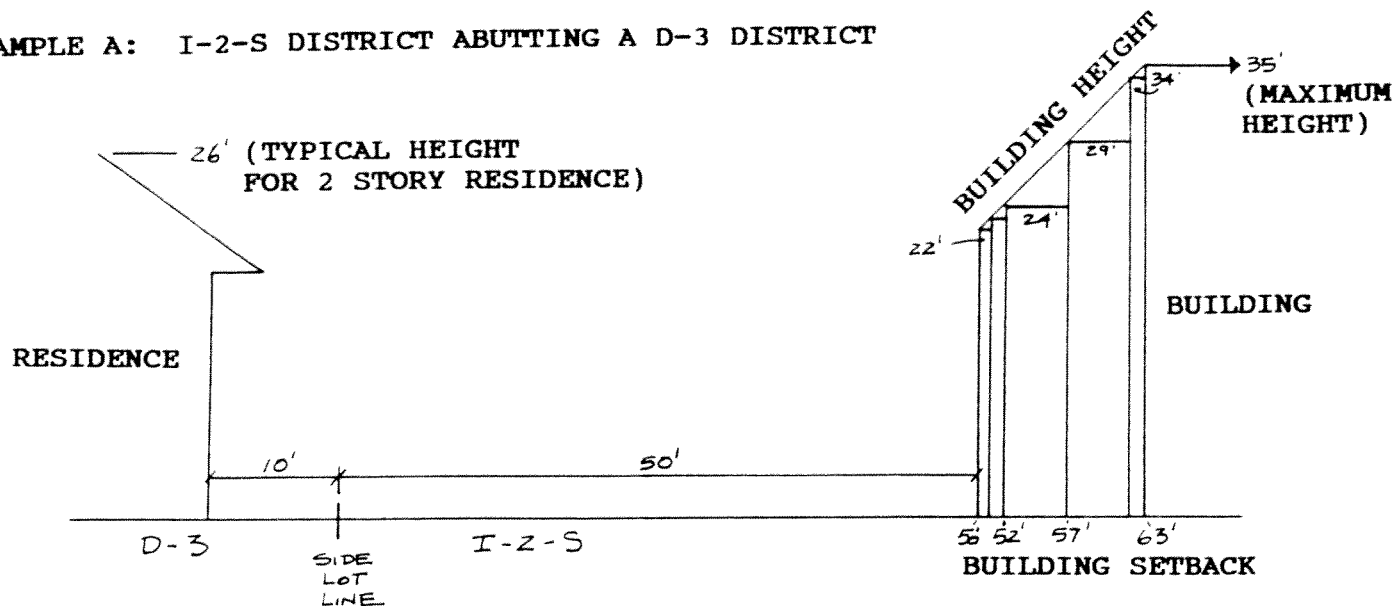
132. **TRASH ENCLOSURE** An accessory structure enclosed on at least three sides; designed and intended to screen and protect waste receptacles from view, and to prevent waste debris from dispersing outside the receptacles or enclosure.
133. **TREE SURVEY** An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and drip line of trees. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area and seventy-five percent (75%) branch coverage of the ground surface), the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper is often substituted for a detailed inventory.
134. **UNIT** A single, complete entity.
135. **VISIBLY OBSTRUCTED** The view of an object which is blocked by a building or other man-made structure so as to be incapable of being seen from that line of sight.
136. **WALKWAY** A hard-surfaced walk or raised path for pedestrian traffic.
137. **WAREHOUSE** A building used primarily for the storage of goods and materials.
138. **WAREHOUSING** Terminal facilities for handling freight with or without maintenance.
139. **WHOLESALE** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
140. **WRECKER SERVICE** A service in which towing or emergency services are provided to disabled automotive vehicles.
141. **YARD, FRONT** An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram C).
142. **YARD, REAR** An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram C).
143. **YARD, REQUIRED** That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located. (See Diagram C).
144. **YARD, SIDE** An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram C).

145. **YARD,
TRANSITIONAL
REQUIRED** That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two or more land uses of different intensity. A transitional yard is a required yard, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted Protected District abuts. (See Diagram C).

**INDUSTRIAL ZONING ORDINANCE
GRAPHIC ILLUSTRATIONS**

<u>ITEM</u>	<u>DIAGRAM</u>
access drive	B
buildable area	C
building area	C
building setback/height ratio	A
clear sight triangular area	F
curb cut	B
curb line	B
driveway	B
interior access drive	B
interior access driveway	B
landscaping (trees) in the required yard	G
lot	D
lot, corner	D
lot, through	D
lot line, front	C
measurement (radial) from protected districts from specified uses	H
outside operations/storage in the I-4 Districts	I
parking area	B
parking space	B
setback	C
setback line	C
street, arterial	E
street, collector	E
street, cul-de-sac	E
street, local	E
street, marginal access	E
yard, front	C
yard, rear	C
yard, side	C
yard, transitional	C

EXAMPLE A: I-2-S DISTRICT ABUTTING A D-3 DISTRICT



EXAMPLE B: I-3-U DISTRICT ABUTTING A D-4 DISTRICT

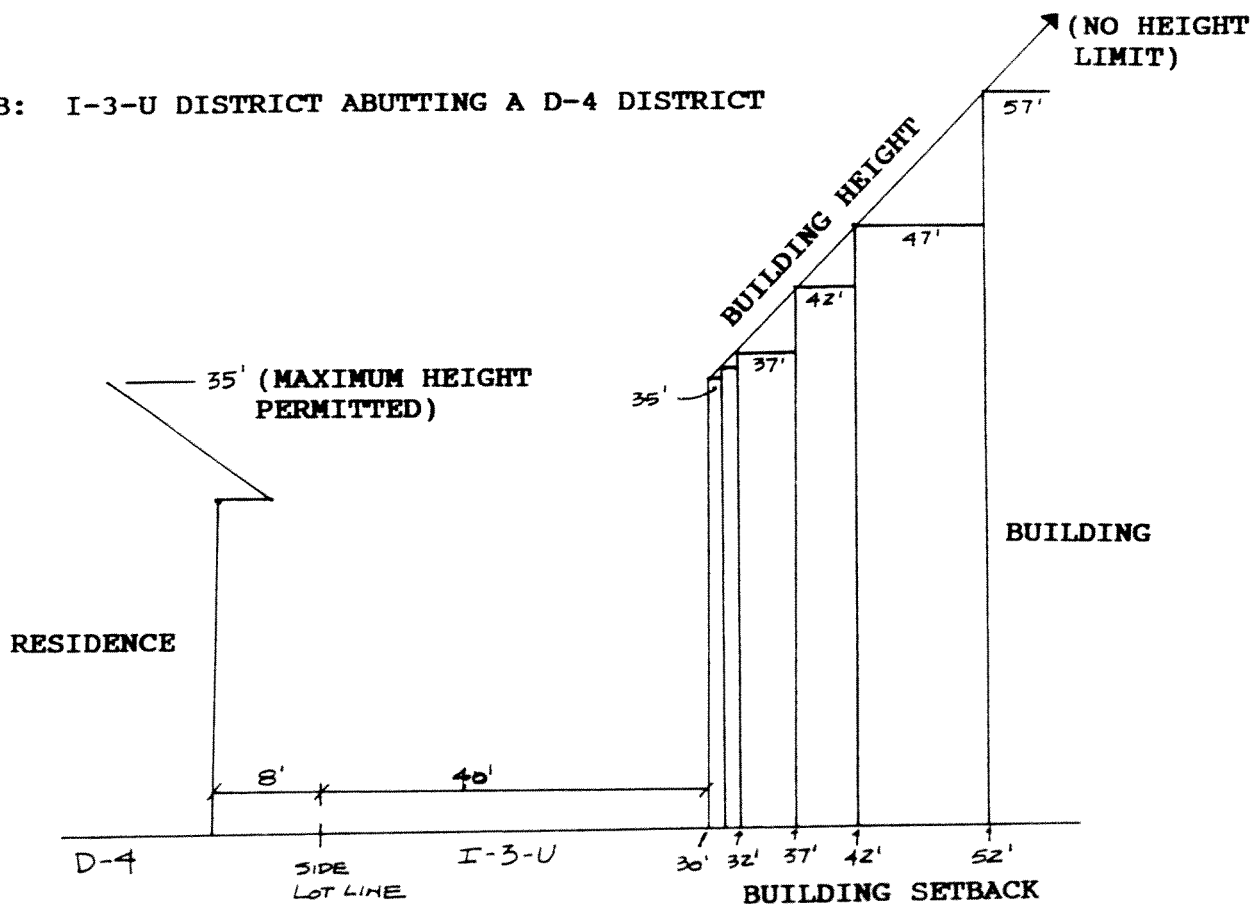


DIAGRAM A

BUILDING SETBACK/HEIGHT RATIO

**BUILDING SETBACKS/BUILDING HEIGHT
WHEN ABUTTING A PROTECTED DISTRICT**

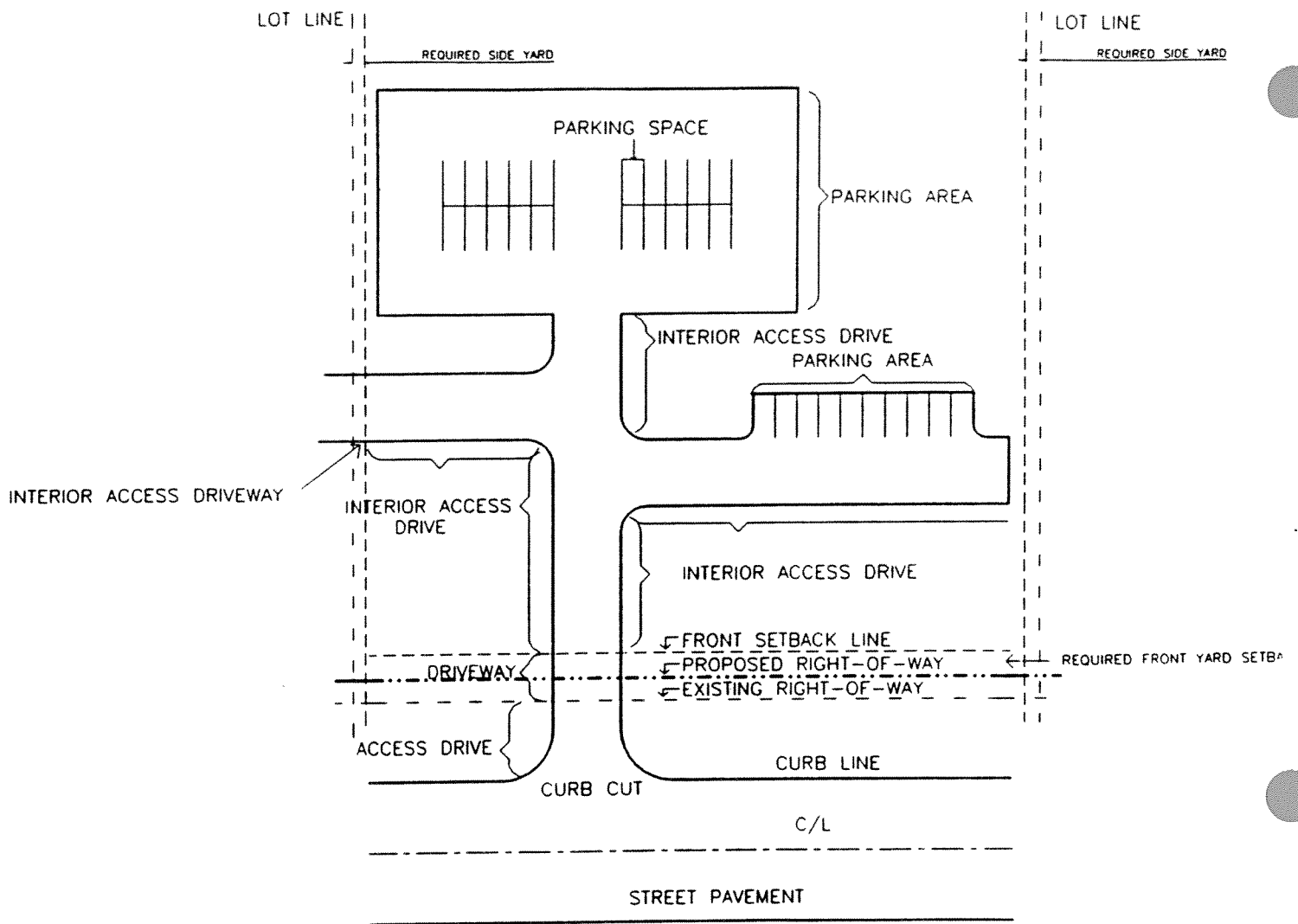



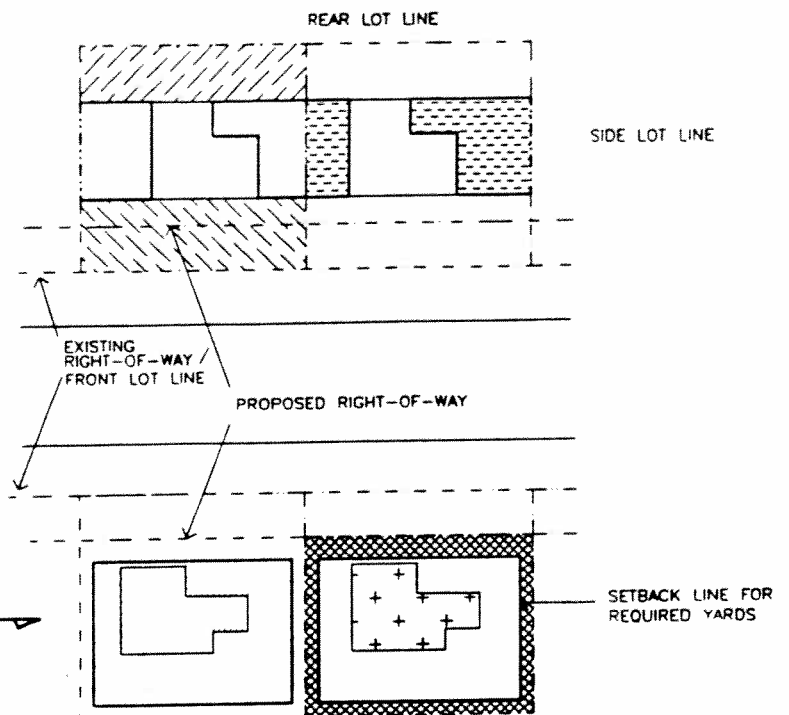





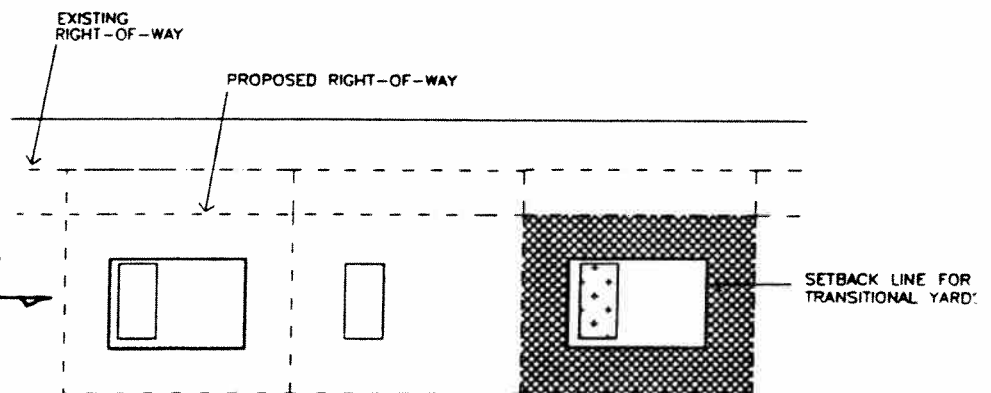
DIAGRAM B
VEHICLE AREAS

-  REAR YARD
-  FRONT YARD
-  SIDE YARD



Components of a lot using
an industrial property
surrounded by industrial
zoning

-  BUILDABLE AREA
-  SETBACK OF REQUIRED YARDS
-  BUILDING AREA



Components of a lot using
an industrial property
surrounded by Protected
Districts

DIAGRAM C

COMPONENTS OF A LOT

NO SCALE

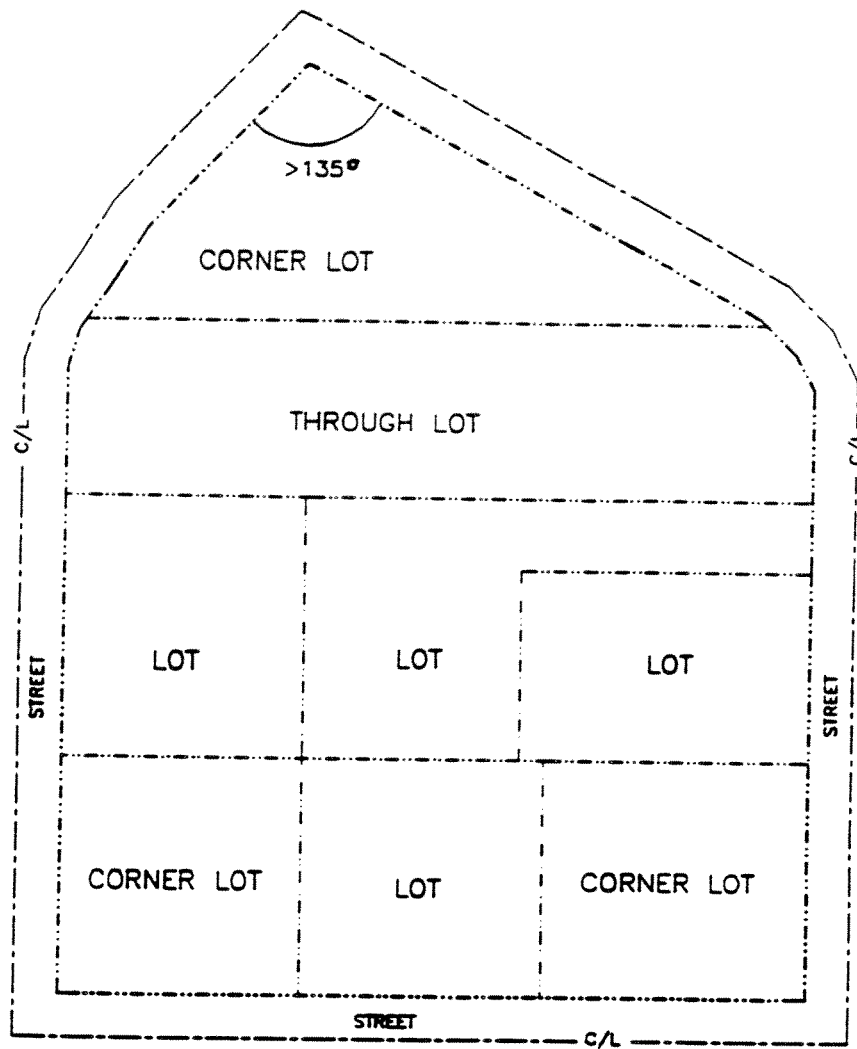


DIAGRAM D
 TYPES OF LOTS
 NO SCALE

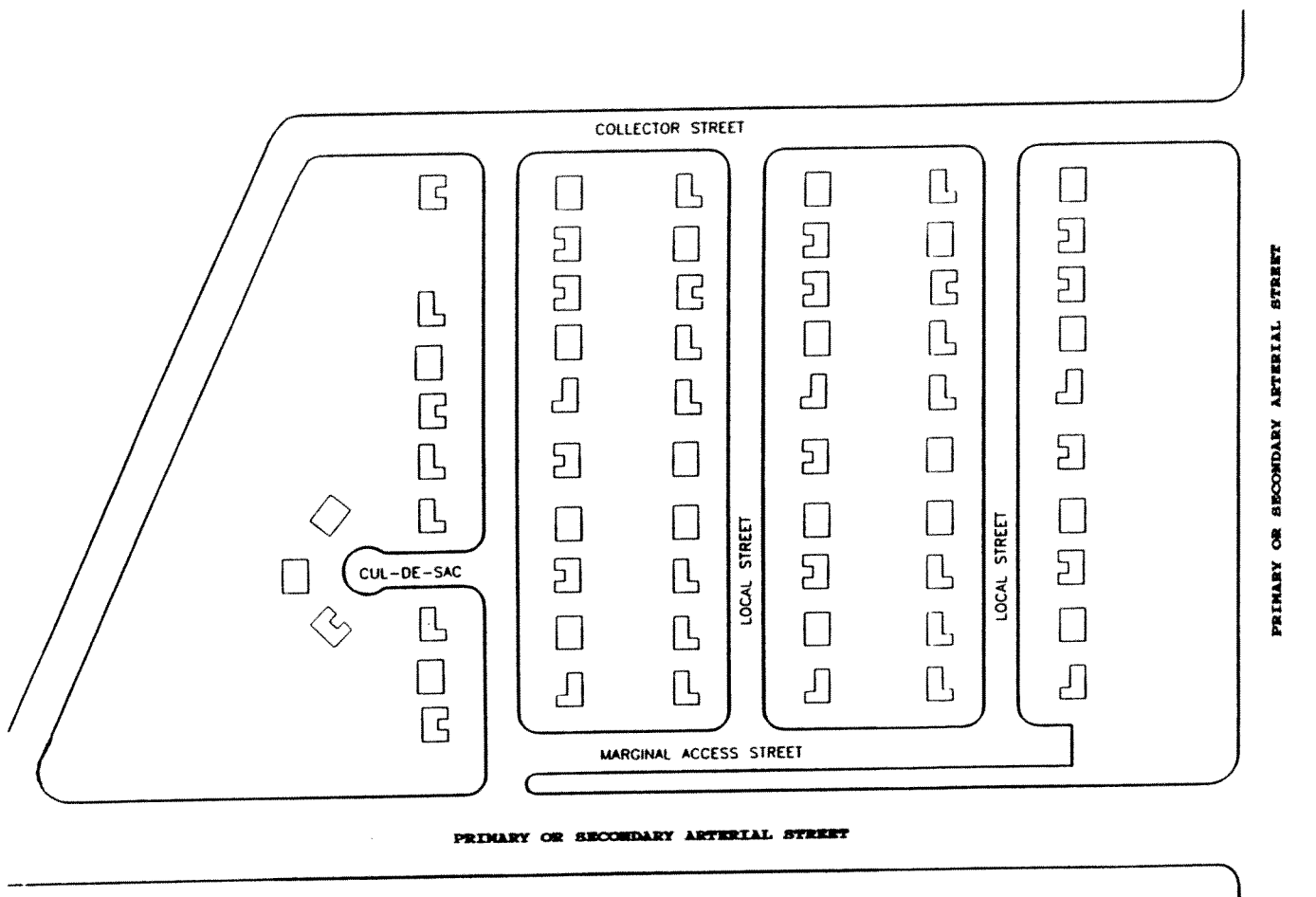


DIAGRAM E
 TYPES OF STREETS
 NO SCALE

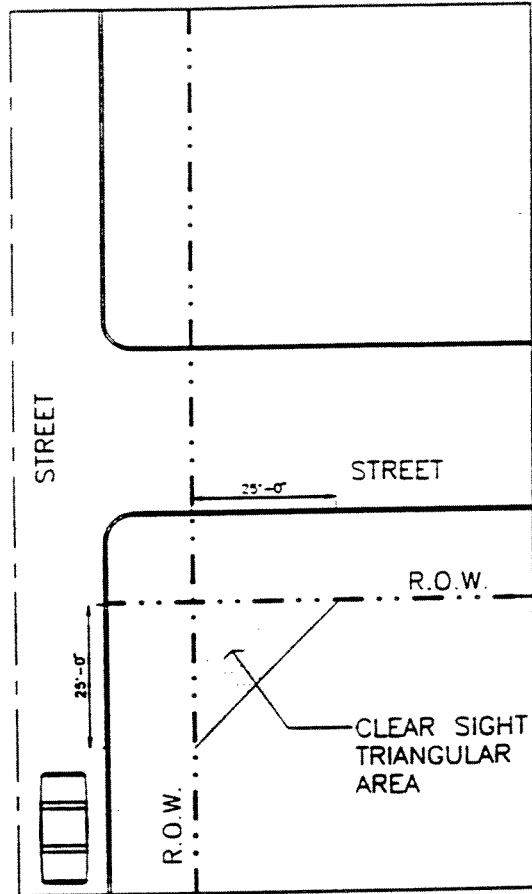
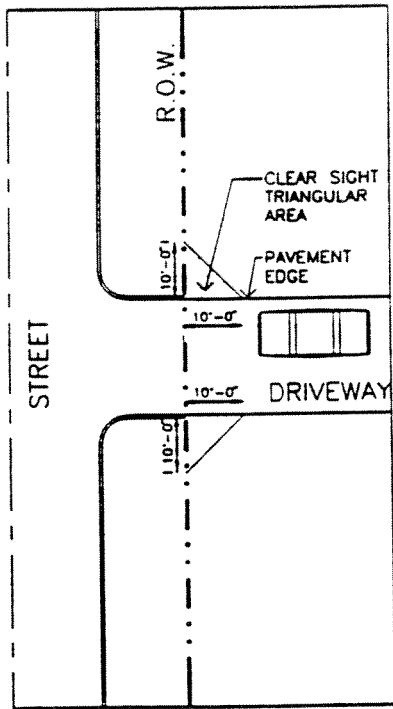
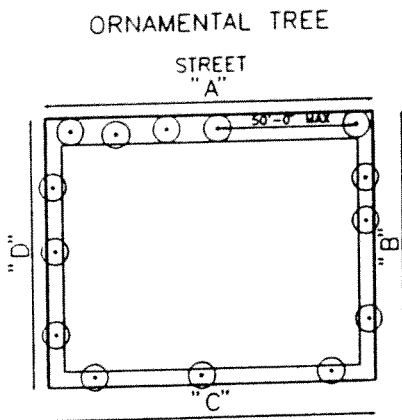


DIAGRAM F

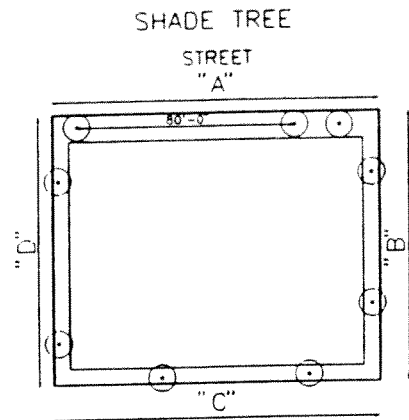
CLEAR SIGHT TRIANGULAR AREA
EXAMPLES

NO SCALE



NUMBER OF REQUIRED ORNAMENTAL TREES IN FRONT YARD =
TOTAL LINEAR DISTANCE OF "A" DIVIDED BY 25'

NUMBER OF REQUIRED ORNAMENTAL TREES IN SIDE AND REAR YARDS =
TOTAL LINEAR DISTANCE OF "B" DIVIDED BY 40'
TOTAL LINEAR DISTANCE OF "C" DIVIDED BY 40'
TOTAL LINEAR DISTANCE OF "D" DIVIDED BY 40'
(WITH A MAXIMUM SPACING OF 50')



NUMBER OF REQUIRED SHADE TREES IN FRONT YARD ■
TOTAL LINEAR DISTANCE OF "A" DIVIDED BY 40'
(WITH A MAXIMUM SPACING OF 80')

NUMBER OF REQUIRED SHADE TREES IN SIDE AND REAR YARDS ■
TOTAL LINEAR DISTANCE OF "B" DIVIDED BY 60'
TOTAL LINEAR DISTANCE OF "C" DIVIDED BY 60'
TOTAL LINEAR DISTANCE OF "D" DIVIDED BY 60'
(WITH A MAXIMUM SPACING OF 80')

DIAGRAM G

TREES IN REQUIRED YARDS

**USING AN INDUSTRIALLY ZONED BUSINESS
SURROUNDED BY INDUSTRIAL ZONING**

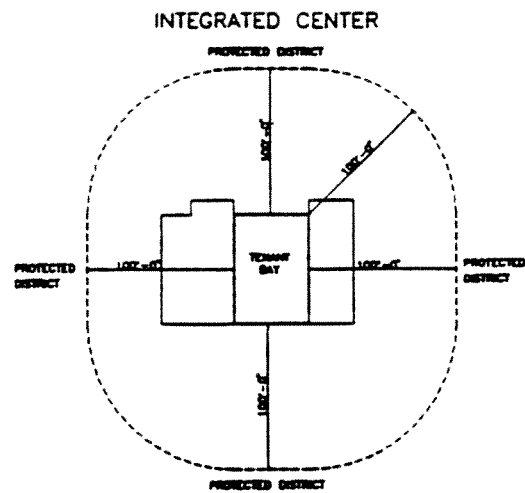
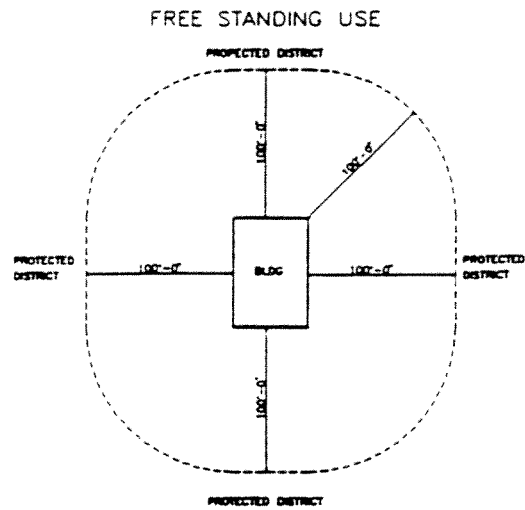
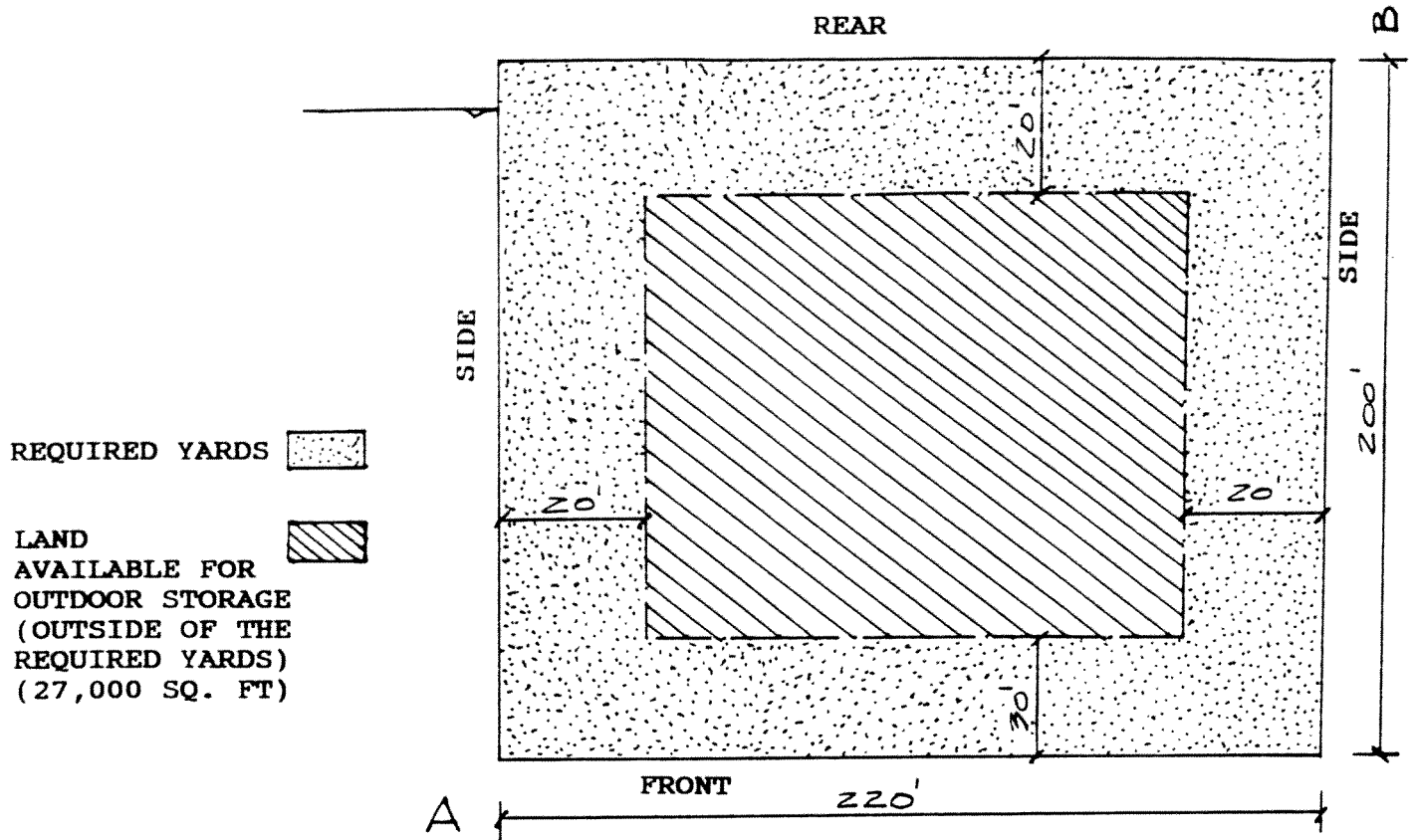


DIAGRAM H

**RADIUS MEASUREMENT
FROM A PROTECTED DISTRICT**



EXAMPLE OF A LOT ZONED I-4-U,
SURROUNDED BY INDUSTRIAL ZONING DISTRICTS

LOT AREA = A X B

TOTAL PERCENTAGE OF OUTDOOR
OPERATIONS/STORAGE PERMITTED = 75% OF THE LOT AREA*

* OUTDOOR OPERATIONS/STORAGE
NOT PERMITTED WITHIN THE
REQUIRED YARDS AND REQUIRED
TRANSITIONAL YARDS OF THE
LOT.

LOT AREA = 220 FEET X 200 FEET, OR 44,000 SQUARE FEET

OUTDOOR OPERATIONS/STORAGE PERMITTED = 75% OF 44,000, OR 33,000
SQUARE FEET.

DIAGRAM I

CALCULATION OF OUTSIDE OPERATIONS/STORAGE
IN THE I-4-S AND I-4-U DISTRICTS

CHAPTER III

SECTION 3.00 SEVERABILITY

In any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

NOW BE IT FURTHER ORDAINED that the same shall be in full force and effect from and after this date.

SECTION 2. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission docket number 70-A0-4, as amended, pursuant to I.C. 36-7-4, be further amended by reclassifying all land within Marion County, Indiana designated on the Comprehensive Zoning Maps in the I-5-S or I-5-U Districts, to the following classifications, thereby updating said Comprehensive Zoning Maps:

Deleted Industrial Zoning District	New Industrial Zoning Classification
<u>I-5-S Heavy Industrial (Outside Storage) Suburban District</u>	<u>I-4-S Heavy Industrial Suburban District</u>
<u>I-5-U Heavy Industrial (Outside Storage) Urban District</u>	<u>I-4-U Heavy Industrial Urban District</u>

SECTION 3. This rezoning shall further amend any individually initiated rezoning ordinance to the I-5-S District approved by the Commission and the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto) to the I-4-S classification.

SECTION 4. This rezoning shall further amend any individually initiated rezoning ordinance to the I-5-U District approved by the Commission and the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto) to the I-4-U classification.

SECTION 5. This rezoning shall not supersede, amend or repeal AIRPORT ZONING ORDINANCE (94-A0-2, as amended) and the AIRSPACE DISTRICT MAPS adopted as a part thereof, establishing the AIRSPACE DISTRICT as a secondary zoning district of Marion County, Indiana.

SECTION 6. This rezoning shall not supersede, amend, or repeal the Floodway and Floodway Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-A0-7.

SECTION 7. This rezoning shall not supersede, amend, or repeal GRAVEL-SAND-BORROW DISTRICT ZONING ORDINANCE (65-A0-3) and the GSB (Gravel-Sand-Borrow) designations adopted pursuant thereto as a secondary zoning district.

SECTION 8. This ordinance shall be in full force and effect from and after adoption in compliance with I.C. 36-7-4.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

President (or Presiding Officer)

Date: _____

Attest: _____
Clerk

structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram C).

145. Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two or more land uses of different intensity. A transitional yard is a required yard, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted Protected District abuts. (See Diagram C).

CHAPTER III

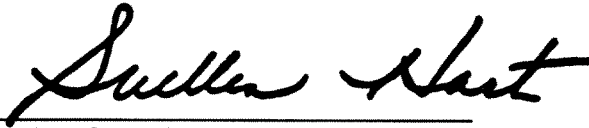
SECTION 3.00 Severability. In any section, subsection, paragraph, subparagraph, clause, phrase, work, provision or portion of this eOrdinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision, its invalidity shall not affect or impair the validity any other provision of this eOrdinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, work, provision or portion so held to be unconstitutional or invalid, that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

The foregoing was passed by the City-County Council this 22nd day of July, 1996 at 9:16 p.m.

ATTEST:



Dr. Beurt SerVaas
President, City-County Council



Suellen Hart, Clerk, City-County Council

STATE OF INDIANA, MARION COUNTY)

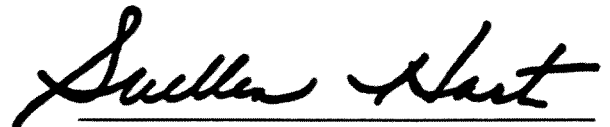
) SS:

CITY OF INDIANAPOLIS

)

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 450, 1996, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 22nd day of July, 1996, by a vote of 25 YEAS and 0 NAYS, and was retitled General Ordinance No. 120, 1996, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 24th day of July, 1996.



Suellen Hart, Clerk, City-County Council

(SEAL)